2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

18 May 2005
English
Original: Spanish

New York, 2-27 May 2005

Note verbale dated 10 May 2005 from the Permanent Mission of Mexico to the United Nations addressed to the President of the Conference

The Permanent Mission of Mexico to the United Nations presents its compliments to the President of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and has the honour to refer to the Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones, held in Tlatelolco, Mexico, from 26-28 April 2005.

In this connection, bearing in mind the relevance of the issue of nuclear-weapon-free zones, particularly in the context of Main Committee II, the Permanent Mission of Mexico requests that the following documentation be circulated as a working paper of the Conference:

- Message from the Secretary-General of the United Nations (CZLAN/CONF/3) (English and Spanish) (see annex I)
- Report of the Rapporteur (CZLAN/CONF/4) (Arabic, English, French and Spanish) (see annex II)
- Declaration of the Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones (CZLAN/CONF/5) (Arabic, English, French and Spanish) (see annex III)
- Report of the Civil Society Forum (CZLAN/ONG/2) (English) (see annex IV)

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Annex I to the note verbale dated 10 May 2005 from the Permanent Mission of Mexico to the United Nations addressed to the President of the Conference

CZLAN/CONF/3

THE SECRETARY-GENERAL
MESSAGE TO THE CONFERENCE OF STATES PARTIES AND SIGNATORIES OF TREATIES THAT ESTABLISH NUCLEAR-WEAPON-FREE ZONES
Tlatelolco, Mexico, 26-28 April 2005

[Original: English and Spanish]

A functioning system of collective security for the 21st century must have as urgent priorities the prevention of nuclear proliferation, the reduction of nuclear arsenals and advancement towards the goal of the total elimination of nuclear weapons. As I have argued in my recent reform report, "In Larger Freedom," non-proliferation and disarmament are in the interest of all States, and I have called for action to advance both these goals. This timely conference is an opportunity to examine the important contribution that nuclear-weapon-free zones make to these goals, and to explore how we can build upon the impressive record of progress to date.

Through information sharing, and verification and compliance mechanisms, nuclear-weapon-free zones build confidence among participating States that the obligations under the treaties creating such zones are in fact being implemented in good faith. Expanding membership in nuclear-weapon-free zones and facilitating implementation of their obligations will further strengthen the role of these instruments. The support of nuclear-weapon States – particularly through ratification of relevant protocols – is also essential. In that context, I call for renewed efforts to ensure the earliest entry into force of the African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty). It is also important to create new zones, especially in the Middle East and other parts of Asia. I therefore welcome the significant progress made towards a Central Asian Nuclear-Weapon-Free Zone Treaty by the five Central Asian States.

For its part, the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Tlateloco Treaty) is an inspiring landmark in global efforts to promote nuclear disarmament and non-proliferation. On the eve of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, I hope that this meeting in Tlateloco will remind all States not only of the strategic and moral value of nuclear-weapon-free zones, but also of the possibilities for progress on a range of fronts in our quest for a world free of nuclear weapons.

Annex II to the note verbale dated 10 May 2005 from the Permanent Mission of Mexico to the United Nations addressed to the President of the Conference

CZLAN/CONF/4

Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones
Tlatelolco, Mexico, 26 to 28 April 2005

Rapporteur's Report on the Deliberations of the Conference

[Original: Arabic, English, French and Spanish]

The Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones opened its plenary meeting on Wednesday 27 April 2005.

The meeting was opened by the General Secretary of the Conference who, after welcoming the participants, proceeded to submit for its consideration the Agenda (CZLAN/CONF/L.1). Having approved the Agenda, the Conference went on to adopt the Rules of Procedure (CZLAN/CONF.2). The General Secretary reminded the delegates that, in accordance with Rule 3 of the Rules of Procedure, the Bureau of the Conference would be made up of a President, 3 Vice Presidents and a Rapporteur.

In regard to item 4 of the Agenda, election of the members of the Bureau, the Secretariat of the Conference proposed, in keeping with standard practice in international conferences, that the Presidency should be occupied by a Representative of the host State. In this regard, the General Secretary submitted for the consideration of the Conference the election of Ms. Patricia Olamendi, Under Secretary for Multilateral Affairs and Human Rights of the Ministry of Foreign Affairs of Mexico, to preside over the work of the Conference. Likewise, it was proposed that the Vice-Presidencies should be held by the Representatives of Cuba, on behalf of the States Parties to the Treaty of Tlatelolco; New Zealand, for the Treaty of Rarotonga; and Senegal, for the Treaty of Pelindaba, while the post of Rapporteur would be occupied by Indonesia, in representation of the Treaty of Bangkok. The Conference approved these proposals.

Once the Bureau of the Conference had been set up, during the plenary meetings on 27 April, the Conference went on to item 5 of the Agenda, consisting of a general debate on the topic of "the contribution made by Nuclear-Weapon-Free Zones to a genuine regime of non-proliferation of nuclear weapons." Representatives of the following 36 delegations took the floor: Algeria, Argentina, Brazil, Chile, China, Costa Rica, Cuba, Ecuador, Egypt, El Salvador, Fiji, France, Indonesia, Jamaica (representing the Caribbean Community), Japan, Libya, Luxembourg, Kenya, Malaysia, Morocco,

Mauritius, Mexico, Mongolia, Myanmar, Nicaragua, Nigeria, New Zealand, Republic of Korea, Senegal, South Africa, Tanzania, Ukraine, Uruguay, Uzbekistan, Venezuela and Vietnam. With the authorization of the Conference, the non-governmental organization *Pugwash International* also took the floor.

In the general debate, the majority of the participating delegations stressed the need to strengthen the global nuclear disarmament and non-proliferation regime, particularly through the observance and effective application of the provisions on the matter contained in the Treaty on the Non-Proliferation of Nuclear Weapons and the Treaties that establish Nuclear-Weapon-Free Zones. The delegations underscored the important contribution made by these treaties to attaining the objective of a nuclear-weapon-free world.

The delegations emphasized the importance that the Conference of States Parties and Signatories to the Treaties that establish Nuclear-Weapon-Free Zones would have for the success of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to be held in New York from 2 to 27 May 2005.

During this plenary meeting, the Delegation of Argentina expressed the following reserve with regard to operative paragraph 29 of the draft Declaration:

> "Although Argentina does not object to a consensus at such time as the Declaration is adopted, it wishes to place on record the inadvisability of addressing issues related to the peaceful use of nuclear energy within OPANAL, since such issues do not form part of the Treaty of Tlatelolco. Specifically, the topic of transportation of nuclear materials should be discussed in the appropriate spheres of competence, that is to say, the International Atomic Energy Agency (IAEA) and the International Maritime Organization (IMO)."

With regard to item 6 of the Agenda, the plenary meeting on Thursday 28 April focused on the topic "Mechanisms to strengthen political co-ordination between Nuclear-Weapon-Free Zones."

The meeting was presided by the Representative of Cuba, Vice-President of the Conference. The General Secretary of the Conference set forth the results of the consultations with each of the Nuclear-Weapon-Free Zones. He pointed out that the purpose of his proposal would be to maintain constant communication between the Zones and to promote possible co-operation agreements such as that currently in effect between the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) and the Pacific Islands Forum. The Delegation of Mexico presented a non-paper designed to aid the deliberations on the topic.

In the exchange of views, 12 delegations took the floor: Algeria, Brazil, Chile, Egypt, El Salvador, Honduras, Indonesia, Lao, Nigeria, Senegal, the African Union and Venezuela. The speakers thanked the General Secretary of the Conference and the Delegation of Mexico for their proposals, and put forward their own proposals for Nuclear-Weapon-Free-Zone co-operation mechanisms. Among other issues, the advisability of establishing focal points for each of the treaties was raised.

The summary made by the President and adopted by the Conference reflected the main points of consensus, as follows:

- Reaffirm the need to strengthen Nuclear-Weapon-Free-Zone co-ordination mechanisms based on their common goals.

- That this first Conference constitutes a landmark in establishing the co-ordination mechanism and the advisability of repeating it was reaffirmed, the most suitable date being 2010, prior to the Eighth Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons.

- That within the purview of the mechanisms established by each of the treaties, those acting as coordinators be invited to their periodic meetings (conferences or general assemblies), in accordance with the mechanism established by those treaties.

- That the mechanism for information exchange between the treaties be reinforced in order to step up the attainment of common goals.

- Bearing in mind the different statements made, continue to study ways to apply the coordination mechanism in line with the progress achieved.

- That in the initial stage, which could last two years, the Tlatelolco Treaty, through OPANAL, should carry out the necessary co-ordination for the implementation of the agreed measures to strengthen the co-ordination mechanisms. That in the future, this responsibility should be rotated among the treaties.

During the same meeting on 28 April, New Zealand formulated the following statement:

"New Zealand still has difficulties with paragraph 24 of the proposed declaration. We have tried to reach late agreement; that has not been possible. So I wish to make a clarifying statement.

Paragraph 24 paraphrases part of article IV of the NPT.

Therefore, New Zealand understands this paragraph to be reaffirming the inalienable right of all States Parties to the NPT to develop the research, production and utilization of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of the NPT. New Zealand also accepts the reference to the inviolability of nuclear facilities.

Because the reference to States Parties and articles I and II have not been made within paragraph 24, it is possible to read this with different meanings, including a reinterpretation of the NPT bargain.

New Zealand needs to be clear to this meeting that New Zealand reads paragraph 24 as in line with the multilateral declaration of the NPT. That is the only way that we can agree to this declaration. We reject any other interpretation".

Annex III

CZLAN/CONF/5

Declaration of the Conference of Nuclear-Weapon-Free Zones

[Original: Arabic, English, French and Spanish]

On the occasion of the Conference on the Treaty on the Non-Proliferation of Nuclear Weapons, the States parties and signatories to the Treaties of Tlatelolco (1967), Rarotonga (1985), Bangkok (1995), and Pelindaba (1996), which have established nuclear-weapon-free zones, and Mongolia, have met for the purpose of strengthening the nuclear-weapon-free zone regime and contributing to the disarmament and nuclear non-proliferation processes, and in particular to analyze ways of cooperating that can contribute to achieving the universal goal of a nuclear-weapon-free world.

Convinced that the existence of nuclear weapons constitutes a threat to the survival of humanity and that the only real guarantee against their use or threat of use is their total elimination as a way to achieve a nuclear-weapon-free world;

Convinced also of the important contribution made by the disarmament and nuclear non-proliferation regime to maintaining and strengthening international peace and security;

Confirming that Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) establishes the obligation to proceed with and to achieve nuclear disarmament;

Recognizing that the establishment of new nuclear-weapon-free-zones in regions where they do not exist should be concluded in accordance with the provisions of the Final Document of SSOD-I and the principles and guidelines adopted by the UNDC at its 1999 substantive session;

Recognizing also the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories by virtue of Article VII of the NPT, the cornerstone of the international nuclear disarmament and non-proliferation regime;

Bearing in mind that the international community must continue promoting the creation of nuclear-weapon-free zones throughout the world, as an effective means for achieving the objective of the total elimination of nuclear weapons, with the absolute priority of strengthening peace and security both at regional and international levels;

Recognizing multilateralism as the core principle of disarmament negotiations and nuclear non-proliferation efforts aimed at maintaining, strengthening and enlarging the scope of

universal nuclear disarmament norms, as well as the complementary nature of irreversible and verifiable unilateral and bilateral measures in this area;

Welcoming the establishment of nuclear-weapon-free-zones created by the Treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba as a positive step towards achieving the objective of global nuclear disarmament, and the interest expressed by States Parties and signatories to such Treaties in promoting cooperation and consultation mechanisms among themselves, their treaty agencies and other interested States;

1. **We reaffirm** that the continued existence of nuclear weapons constitutes a threat to all humanity and that their use would have catastrophic consequences for life on Earth. Therefore, we believe in the need to move toward the priority objective of nuclear disarmament and to achieve the total elimination and prohibition of nuclear weapons.

2. **We are convinced** that reaching the objective of permanently eliminating and prohibiting nuclear weapons requires firm political will from all States, particularly those States that possess nuclear weapons.

3. **We are also convinced** that the establishment of internationally recognized nuclear-weapon-free zones on the basis of agreements entered into freely among the States of the zone concerned strengthens world and regional peace and security, reinforces the nuclear non-proliferation regime, and contributes to the achievement of nuclear disarmament. The establishment of such zones and the full compliance with those agreements or arrangements ensures that the zones are genuinely free from nuclear weapons, and respect for such zones by Nuclear-Weapon-States, constitute an important nuclear disarmament measure.

4. **We reaffirm** that the NPT constitutes an essential instrument of the nuclear disarmament and non-proliferation regime and therefore reiterate the validity of its set of principles, obligations, and rights, in particular Articles III, IV, VI and VII.

5. **We reaffirm** the importance of achieving the universality of the NPT and urge those States that are not parties thereto to accede to the Treaty without delay or conditions as non-nuclear-weapon States.

6. **We express our deep concern** over the lack of progress to date on the application of nuclear disarmament measures agreed to by all States Parties at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and urge all States to comply immediately with the obligation set forth in Article VI of the NPT to undertake to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control, recalling in particular the unequivocal

undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed.

7. **We express our deep concern** with new strategic security doctrines, which assign a broader role to nuclear weapons, imply intentions to develop new types of nuclear weapons or rationalization for their use, as well as to review agreed principles, in particular, the irreversibility of nuclear disarmament.

8. **We reaffirm** that the use or threat of use of nuclear weapons constitutes a breach of international law and the United Nations Charter, and a crime against humanity, as declared in UN General Assembly Resolutions 1653 (XVI), of 24 November 1961, 33/71 B, of 14 December 1978, 34/83 G, of 11 December 1979, 35/152 D, of 12 December 1980 and 36/92 I, of 9 December 1981.

9. **We strongly support** the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects, under strict and effective international control.

10. **We are convinced** that a continued reduction in non-strategic nuclear weapons constitutes an integral part of the nuclear disarmament process and consider that the fundamental principles of transparency, verification, and irreversibility must be applied to all measures in this area.

11. **We urge** the Nuclear Weapon States to provide effective guarantees to non-nuclear-weapon States that they will not use or threaten to use nuclear weapons against them. In this regard, in addition to the commitments taken on within the framework of UN Security Council Resolution 984 (1995) and the legally binding security assurances set forth in the relevant Protocols to the treaties establishing nuclear-weapon-free zones, we also urge Nuclear Weapon States to continue taking steps toward concluding a universal, unconditional and legally-binding universal treaty on security assurances for non-nuclear-weapon States and that until such treaty exists to respect the commitments assumed regarding security assurances. Priority attention should be given to this matter.

12. **We urge** the Nuclear Weapon States and any other States listed or mentioned in the relevant Protocols to the treaties establishing nuclear-weapon-free zones that have not yet signed or ratified the Protocols to do so as soon as possible.

13. **We also urge** the Nuclear Weapon States that, having signed or ratified some of the relevant Protocols to a treaty establishing a nuclear-weapon-free zone, have done so with reservations or unilateral interpretations that affect the denuclearization status of that zone to modify or withdraw such reservations or unilateral interpretations.

14. **We recognize** that the status of a nuclear-weapon-free-zone should be respected by all State parties to the treaty establishing the zone as well as by States outside the region, including all States whose cooperation and support are essential for the maximum effectiveness of such a

zone, namely, the Nuclear-Weapon-States and, if there are any, States with territory or that are internationally responsible for territories situated within the zone concerned.

15. **We proudly note with satisfaction** that with the entry into force of Treaties of Tlatelolco, Rarotonga and Bangkok, which had established nuclear-weapon-free zones in Latin America and the Caribbean, the South Pacific and Southeast Asia, along with the Antarctic Treaty and the Seabed Treaty, the areas of the world that are nuclear-weapon-free had been expanded.

16. **We similarly welcome** the efforts aimed at concluding the ratification process of the Treaty of Pelindaba, signed on 12 April 1996, which created Africa's nuclear-weapon-free zone, and exhort the States of the region that have not yet done so to ratify the Treaty so it may enter into force. Likewise, we urge the Nuclear Weapon States and other States that are contemplated in its relevant Protocols to sign or ratify said Protocols if they have yet to do so.

17. **We express** our recognition and full support of Mongolia's international nuclear-weapon-free status.

18. **We reiterate** our support for the establishment of a nuclear-weapon-free- zone in the Middle East and, in this regard, we reaffirm the importance of Israel's accession to the NPT and the placement of all its nuclear facilities under comprehensive IAEA safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East.

19. **We also reiterate** our support for the establishment of a nuclear-weapon-free zone in South Asia and urge India and Pakistan to accede to the Non-Proliferation Treaty as non-nuclear-weapon States and to place all their nuclear facilities under comprehensive Agency safeguards. We further urge both States to strengthen their non-proliferation export control measures over technologies, material and equipment that can be used for the production of nuclear weapons and their delivery systems.

20. **We welcome** the Tashkent statement of representatives of the five Central Asian States of February 2005, where they reaffirmed their strong commitments to establish a nuclear-weapon-free zone in Central Asia and urged all States, particularly the nuclear-weapon States, to fully cooperate with the five Central Asian States in implementing the Central Asian Nuclear-Weapon-Free Zone Treaty.

21. **We reaffirm our commitment** to reach the common objectives set forth in the Treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba to promote the nuclear-weapon-free zones; to cooperate in the advancement of ratifications by all states that belong to a nuclear-weapon-free-zone as well as in the implementation of relevant instruments as a contribution to strengthen the NPT regime and achieve nuclear disarmament, including through mechanisms such as joint meetings of the States parties, signatories, and observers of those treaties, and cooperation agreements signed among them in a systematic manner within the framework of the NPT Review Conferences.

22. **We accept** the application of the relevant rules of international law, expressly recognized by States, to the maritime areas covered by the nuclear weapon free zones.

23. **We reiterate** our position for the total elimination of all nuclear testing and stress the significance of achieving universal adherence to the Comprehensive Nuclear Test Ban Treaty, including by all Nuclear Weapon States, which inter alia, should contribute to the process of nuclear disarmament. We highlight the importance of maintaining a moratorium on nuclear-weapon-test-explosions or any other nuclear explosions pending the entry into force of that Treaty. We reiterate that if the objectives of the Treaty were to be fully realized, the continued commitment of all signatories, especially the Nuclear Weapon States, to nuclear disarmament would be essential.

24. **We reaffirm** the inalienable right of all States to develop the research, production, and utilization of nuclear energy for peaceful purposes without discrimination, as well as the inviolability of nuclear facilities. We further reaffirm that the nuclear-weapon-free-zones should not prevent the use of nuclear science and technology for peaceful purposes, as well as the essential character of International Atomic Energy Agency (IAEA) technical cooperation activities in promoting the development of nuclear energy for peaceful purposes and preventing the diversion of atomic energy for military purposes. In this regard, we underscore the important role of the IAEA in verifying that nuclear energy is only used for peaceful purposes[1].

25. **We reaffirm** that the nuclear-weapon-free zone could also promote, if provided for in the treaties establishing such zones, bilateral, regional and international cooperation for the peaceful use of nuclear energy in the zone, in support for socio-economic, scientific and technological development of the State parties. We call upon all States in a position to do so to contribute to the financing of the IAEA technical cooperation activities, as essential in promoting nuclear energy for peaceful purposes, and represent valuable contributions in that regard, particularly in developing countries.

26. **We recognize** the fundamental role of the IAEA in the application and verification of compliance with the international safeguards regime provided for in the NPT and the relevant NWFZ treaties, as well as the efforts of the IAEA to strengthen the effectiveness of the IAEA safeguards system.

27. **We are firmly convinced** that the most effective way to prevent non-State actors from acquiring nuclear weapons is through the total elimination of those weapons, and to this end, we encourage cooperation among and between States and relevant regional and international organizations for strengthening national capacities in this regard.

28. **We express our deep concern** over the potential hazards underlying any use of radioactive wastes that would constitute radiological warfare and its implications for regional and international security, and express the hope that the effective implementation of the IAEA Code

[1] Please, see Rapporteur's report (CZLAN/CONF/4)

of Practice on the International Transboundary Movement of Radioactive Waste will enhance the protection of all States from the dumping of radioactive wastes in their territories.

29. **We reiterate our deep** concern over the potential serious ecological and security risks of transporting radioactive material and other dangerous waste by sea or other navigable waters and urge all States, particularly those that transport such materials, to strengthen the international legal code as regards security and responsibility measures applicable to this mode of transportation, through the effective application of the commitments adopted within the IAEA, the IMO and other international fora. We also urge all States to exchange information at the government level on the transport of radioactive material and urge States shipping radioactive materials to work with potentially affected States to address their concerns in this regard[2].

30. **We express our conviction** that disarmament and non-proliferation education constitutes an important measure that can contribute to achieving a world free of nuclear weapons threats. We therefore encourage all States to promote programs instilling the values of peace, disarmament, and nuclear non-proliferation in their respective educational and academic spheres and call upon IAEA and donor countries to help in the promotion and implementation of such programs.

31. **We recognize** the importance of multilateralism and in particular the notable role played by the United Nations in the area of nuclear disarmament and nuclear non-proliferation and we reiterate our commitment to adopting measures to strengthen that role.

[2] Please, see Rapporteur's report (CZLAN/CONF/4)

Annex IV

CZLAN/ONG/2

Report from the Civil Society Forum
A side event at the
Conference of States Parties and Signatories to the Treaties that establish Nuclear-Weapon-Free Zones
organized by the Mayors for Peace
and the Parliamentary Network for Nuclear Disarmament.

Report presented by Alyn Ware
Global Coordinator of the Parliamentary Network for Nuclear Disarmament.

[Original: English]

Mr President, your excellencies, ladies and gentlemen.

I have the honour to present the report from the Civil Society Forum, the side event organized by the Mayors for Peace and the Parliamentary Network for Nuclear Disarmament.

Firstly I would like to thank all the States Parties to the nuclear fee zone treaties for establishing space at this conference for interested sectors of civil society to meet, and I would like to thank the government of Mexico for inviting us to coordinate the event.

The Forum included representation from mayors, parliamentarians, academics, scientists, government officials, media, nuclear survivors and non-governmental organisations from around the world. The breadth of representation is indicative of the strong and growing interest in the wider community about the unacceptable risks from current nuclear stockpiles and policies, and also the common understanding that the establishment, consolidation, strengthening and expansion of nuclear weapon free zones can play an effective role in the prevention of nuclear proliferation and the achievement of a nuclear weapons free world.

The forum served as a sharing of ideas and initiatives from the various civil society sectors relating to nuclear weapons free zones. It did not attempt to arrive at any agreed resolution or declaration. However, there was general agreement that this Conference, in bringing together all the States Parties to Nuclear Weapon Free Zone treaties for the first time, is an historic event that in itself serves to strengthen the global norm against nuclear weapons, especially through the adoption of a common declaration. In addition, this conference can serve as a basis for future meetings of States parties in order to move from common declarations to collaborative action. There was considerable support, for example, for the establishment of a Southern Hemisphere and Adjacent Areas Nuclear Weapons Free Zone. Such a zone should include an appeal to the nuclear weapon States to honour the desires of the region to be totally free from nuclear weapons and thus the NWS should desist from transiting deployed nuclear weapons through the oceans in the zone. The Bangkok-Treaty-prohibition of the

threat or use of nuclear weapons from within or into the zone including the exclusive economic ocean zones, was cited as a positive step towards such a southern hemisphere zone free from all nuclear weapons including those on submarines and ships.

The concept of nuclear weapons free zones as steps towards a nuclear weapons free world was a common theme. This included encouragement to States Parties to the zones to actively encourage states in other regions to establish nuclear weapon free zones. One such proposal discussed was for a North East Asia NWFZ. It was noted that Nuclear Weapon Free Zones (NWFZs) provide security benefits in a region beyond just solidifying a ban on nuclear weapons – they also serve as confidence building and peacemaking vehicles. It was hoped by many that the regions covered by nuclear weapon free zones should expand quickly to make the whole world a nuclear weapons free zone, or as one participant suggested, the Adjacent Areas referred to in the proposal for a Southern Hemisphere and Adjacent Areas NWFZ could in fact be the Northern Hemisphere.

There was some consideration of the idea that if the NPT Review Conference and the Conference on Disarmament fail to initiate negotiations leading to the abolition and elimination of nuclear weapons as required under Article VI of the NPT and affirmed as customary law by the International Court of Justice, then the States parties to the NWFZs could initiate deliberations or negotiations on a program or treaty for nuclear disarmament. It was noted that the States parties to NWFZs, having renounced nuclear weapons themselves, have the moral authority to require Nuclear Weapon States (NWS) to develop concrete plans and initiate ongoing steps towards complete nuclear disarmament.

It was recognized that while the strengthening of regional nuclear weapon free zones by treaty amendment is a difficult process, individual States can take domestic action to strengthen the international norm against nuclear weapons by adopting regulations or legislation prohibiting nuclear weapons and instigating criminal responsibility for violations, such as the legislation adopted by New Zealand. It was noted that there is a strengthened mandate, as well as increased opportunities, for States to take such domestic actions as a result of the 1996 International Court of Justice Advisory Opinion affirming the illegality of nuclear weapons threat and use, and United Nations Security Council Resolution 1540 on preventing proliferation of weapons of mass destruction.

Considerable attention was given to the forthcoming NPT Review Conference and what steps should be accomplished through the NPT forum, regardless of whether or not there is universal agreement in May 2005. These included implementation of the disarmament steps agreed in 2000 and the proposal by Malaysia, in their draft NPT working paper released in November 2004, that NPT States Parties give consideration to the legal, technical and political elements required for the establishment and maintenance of a nuclear weapons free world.

Key initiatives from various sectors of civil society were discussed such as the drafting and adoption of parliamentary resolutions in various legislatures including in the NWS, and the success of Mayors for Peace in engaging 1000 mayors in a vision for a nuclear weapons free world by 2020.

A strong focus of the forum, stimulated by the testimonies of survivors from the nuclear bombs detonated at Hiroshima and Nagasaki and the nuclear tests in the Pacific, and also from the mayors,

was the environmental and health damage in the past, present and future, by any use or testing of nuclear weapons and also by the production of nuclear weapons and nuclear energy and the resulting radioactive waste. There was reaffirmation of the ICJ conclusion that "the effects of nuclear weapons cannot be contained in time or space" and support for the Declaration of the Rights of Future Generations which was initiated by Jacques Cousteau.

Specific concern was expressed about both the environmental and proliferation risks of plutonium reprocessing and nuclear materials shipments. The requirement of coastal States and others to obtain adequate safety measures, disclosure, liability, security and compensation in relation to such transports was acknowledged in the Small Island Developing States Declaration (SIDS) in Mauritius. However, there was recognition at the Civil Society Forum that such measures do not appear to be – nor possibly could be – adequate to compensate for an accident or disaster. It was urged that a stronger application of the precautionary principle be made, which would therefore proscribe such shipments in accordance with SIDS' goals.

There was a strong feeling amongst the participants that civil society members can provide inspiration, experience, ideas and support in the review and implementation of the goals of the NWFZs, and as such there was hope that civil society representatives could play a more direct role in future meetings of the States parties of NWFZs. [May I add that the granting of the floor to the representative of Pugwash yesterday was a positive precedent in this regard]

In conclusion, may I take this opportunity to express once again the sentiment that this is indeed an historical conference, bringing together 108 States parties to NWFZs, observer States and civil society to establish a new and powerful forum for the delegitimisation and abolition of nuclear weapons. It was noted that the nuclear age began in New Mexico and perhaps the older wiser Mexico {in relation to nuclear weapons at least} will become known as the place where the end of the nuclear age began.

Thank you.